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The Question of East Timor

by

Isabel Botelho-Leal

International Law
Professor Brown
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The College Of
WILLIAM & MARY

Office of the University Registrar
Williamsburg, Virginia 23185

ISABEL BOTELHO LEAL
10114 LAWYERS RD
VIENNA, VA 22181

April 25 1974, in Portugal, a bloodless revolution led by a group of military officers, overthrew the fascist government of Antonio Salazar and Marechal Caetano. The Portuguese government had stubbornly maintained the Portuguese empire intact, with the exception of Goa which had been annexed by India in the sixties. In order to sustain this vast empire, Salazar's government, drained Portuguese resources and led to a vast number of deaths during a long colonial war, leaving Portugal by 1974 one of the poorest Western European countries.

East Timor is half an island located in the Lesser Sunda archipelago, about 400 miles away from the northwest coast of Australia. East Timor up to 1974 was described in the Portuguese constitution as an "overseas province", just like Cape Verde, Angola, Guinea, Mozambique, Sao tome e Principe in Africa, Macau in China, and Goa in the Indian continent. East Timor, achieved its independence in the wake of the Portuguese revolution, usually known as the "Carnation Revolution". The Portuguese withdrew from East Timor in 1975, declaring the country independent, and naming it the Democratic Republic of East Timor. December 7, 1975 four months after its independence, East Timor was invaded by thousands of Indonesian armed marines and paratroops (*Time*. Dec 22, 1975). In this paper I will analyse the reasons given by Indonesia for

the invasion of East Timor and the legality of this action with regard to self-determination and Human Rights.

The first argument set out by the Indonesian government was that East Timor was economically inviable, thus the population of East Timor should not be able to claim its independence. This argument can be divided in three parts; size of population, size of territory, and resources. In 1975 the population of East Timor was greater than 30 countries in the United Nations, ^{including} namely Cyprus, Equatorial Guinea, Gabon, Iceland, and Luxembourg (Leite. East Timor. 1989: 4). Regarding the size of East Timor, which is about 400 miles, there were also several countries in 1975 with a smaller size territory. There were several countries in the United Nations itself for instance; Gambia, Jamaica, Lebanon, Singapore, Qatar, and Swaziland (5). Moreover, the Indonesian view of East Timor as colonial enclave is invalid in the eyes of the United Nations (Akehurst. Introduction to Modern International Law. 1987: 295). Moreover, the Indonesian government argues that East Timor lacks economic resources. This argument undercuts itself, since East Timor is known for its coffee and more importantly its oil fields (Leite. East Timor. 1989: 5). It is evident that the natural resources are in itself one of the reasons which led Indonesia to have such a great interest in the area. Finally, the United Nations does not see economic inviability as a hindrance to territory independence. This is illustrated by paragraph 3 of resolution 1514 (XV):

Inadequacy of political economic, social or educational preparedness should never serve as a pretext to delaying independence.

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A second justification for the annexation and invasion East Timor forwarded by Indonesia, is the claim of historical and cultural bonds. The Indonesian part of Timor is mainly inhabited by Atoni Pah Meto (People of the Dry Land), which speak a different language and are dedicated to Islam, differing from the people found in eastern part of Timor (Nordholt. The Atoni of Timor. 1971: 368). Timor was never under the authority of the empires, reigns and sultanates which developed in the islands that nowadays form a part of Indonesia (Leite. East Timor. 1989: 6). East Timor was never part of the Dutch Empire but it was instead under Portuguese colonization for 450 years. This long colonization led to a greater sense of unity among the Timorese, against the Portuguese colonial domination, thus a sense of racial distinction.

The United nations in 1975 rejected the integration of East Timor by Indonesia. The United Nations General Assembly called "upon all states to respect the inalienable right of the people of Portuguese Timor to self-determination(...) (Yearbook of the UN. 1975: 895)". Here the question has been made whether self-determination is a right or a mere principle. Since the word "right" has been omitted from the United Nations charter article (1), paragraph two which calls for "...friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples..." then colonizing countries have

regarded self-determination as a moral principle and not as binding rule (Ramos-Horta. EUNU. 1987: 180), but this idea has changed. For instance the International Court of Justice concluded that "the right of self-determination for non-self-governing territories has become a norm of international law" (The Western Sahara Case). Moreover, a further step in the change of principle to right of self-determination took place when resolution 1541 (XV) was passed:

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all people's have the right freely to determine, without external interference, their political status, and to pursue their economic, social, and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter (180).

Finally, following the 1975 invasion of East Timor, the General Assembly of the United Nations adopted a resolution, 3485 (XXX) (4), which deplored the act and called upon Indonesia to withdraw all of its military forces "without delay" from the territory" (Yearbook of the UN. 1975: 865).

It is easy to adopt the view that since the United Nations does not have power to enforce its resolutions, then the UN's role is quite a limited one. This is true to a certain extent but, for instance, the deplored of the Indonesian act with regard to East Timor, placed the Jakarta's government in an

uncomfortable position. The UN has the power to bring issues to light, to unmask issues. Five months after the UN passed resolution 3485 (XXX), the Indonesian government changed its argument. Jakarta started to justify its behavior by stating that the purpose of the presence of the Indonesian armed forces in East Timor was to assure the Timorese of their right to self-determination (Leite. East Timor. 1989: 13).

According to Dr. Leite, a Portuguese International Jurist, Indonesia took several steps to "guarantee" the right of self-determination of the Timorese. The first step was to establish a provisional government, the formation of the "People's Assembly". On May 31, 1976 this assembly met to vote the integration of East Timor into the Republic of Indonesia. The People's Assembly voted unanimously for the integration (Ramos-Horta. FUNU. 1987: 183). The question then is the validity of this assembly. The United Nations was not involved in its formation by refusing to send any delegates, confirms the general view of the illegality of Indonesian's actions. Moreover, reports were leaked about the way members of the assembly had been chosen. The people's Assembly members had been appointed by the Indonesian government itself, while others had literally been abducted from the streets by the military. July 1976 Indonesia proclaimed East Timor its 27th province (Leite. East Timor. 1989: 130). Since the Assembly was never recognized by the International community as being a legitimate, it can be said that violated international law (through resolution 1541(XV), since the Indonesian government

the Assembly itself may have been a sham, but not a violation of int'l law.

prevented the existence of "free political institutions". Finally, the United Nations in ten successive resolutions regretted the Indonesian intervention, two resolutions were passed by the Security Council, and the other eight resolutions were passed by the General Assembly:

General Assembly R. 3485 (XXX) 1975

Security Council R. 384 1975

Security Council R. 389 1976

General Assembly R. 31/53 1976

General Assembly R. 32/34 1977

General Assembly R. 33/39 1978

General Assembly R. 34/40 1979

General Assembly R. 35/27 1980

General Assembly R. 36/50 1981

General Assembly R. 37/30 1982

*these are
not correctly
identified*

Another questionable area of the Indonesian annexation, is with regard to violations of Human Rights provisions found in the UN Charter, the Universal Declaration of Human Rights, and the Genocide Convention. First of all ^{here} it has been imposed on the people of East Timor a foreign language, religion and culture. for instance all civil servants have to devote several hours a week to the study of the new language (174). Moreover, killings and "disappearances" just between 1975 and 1980 amounted to about 200,000 which led to the reduction of the Timorese population to one third of its original size. It has also been proved that the great amount of deaths was carried out by the Indonesian forces. Many testimonies can be found; "Amnesty

International continues to receive reports of 'disappearances', summary executions and imprisonment without trial in East Timor" (Amnesty International Annual Report. 1981: 225). Another letter sent out by a member of the Catholic church in East Timor states: "500 Timorese civilians (apparently not engaged in combat) had been executed by Indonesian forces during an operation" in the summer of 1981 (A.I. 1982. 204); Amnesty International described the situation in 1976: "Growing within the fertile Indonesian archipelago is another archipelago--an archipelago of prisons and penal colonies, an archipelago assuming the frightening aspects of the Gulag " (*The Nation*. November 26, 1977: 553).

The deaths of hundreds of thousands Timorese and the political and cultural oppression, has created the view that there is a genuine intent to exterminate the East Timor people. According to Dr. Ramos-Horta, the Indonesian government, is attempting to exterminate through four processes:

(1) Deportation of Timorese to remote Indonesian islands.

(2) Forced removal of people from their ancestral lands and their concentration in "resettlement camps" without medical care, sanitation or land for cultivation.

(3) Forced sterilization of women and men (East Timor does not suffer from a problem of overpopulation).

(4) Arbitrary arrests, "disappearances" and mass killings of non-combatants; use of chemical

weapons such as napalm against "suspected areas (176).

The issue of East Timor is often ignored and little is being done presently to correct this situation. Recently the issue was brought to the surface again, the Pope John Paul II in 1989 visited this "forgotten war" (*Newsweek*. October 23, 1989: 38). The Pope called for the protection of human rights in a speech which gathered a crowd of about 100,000, "you have known what it means to be victims of hatred and struggle" (38). The Indonesian government tried to create an open visit, to convince the international community of a peaceful situation and of the non-existence of movements led by the rebel group FRETILIN. FRETILIN is still recognized by the United Nations as being the only legitimate group which truly represents the East Timorese people. During the visit, reporters were for the first time allowed to visit secondary cities. Indonesian officials denied the existence of any guerrilla problems besides "robbing civilians" (*The Economist*. September 30, 1989: 34). But reporters described a hill full of crosses which local farmers said to be graves of Timorese guerrillas, more than sixty of these crosses were dated 1988 (34).

I believe that the annexation of East Timor by the Indonesian government was an illegal act. It denied the people of East Timor the right of self-determination, but even worse, the invasion was (and still is) responsible for the deaths of thousands of innocent people. The UN and the international

community have the responsibility to prevent that this situation continues. East Timor has the law on its side, I can just hope that, like in the case of Zimbabwe and recently Namibia, there will be a happy ending to the plight of East Timor.

An interesting paper on a forgotten people. You identify many important issues, but you need to be more specific when citing UN resolutions.

The Indonesian policies in East Timor as you describe them might well constitute Genocide. I am surprised you didn't raise this issue.

Good luck,

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